

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KITSAP TRANSIT, a Washington municipal corporation,	}	IN ADMIRALTY
Plaintiff,		Civil No. 3:09-CV-05665-BHS
v.		
THE UNITED STATES OF AMERICA, et al.	}	ORDER OF DISMISSAL OF CLAIMS
Defendants.		AND ACTIONS, WITH PREJUDICE

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JENNY A. DURKAN
United States Attorney
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Attorneys for Defendant and Third-Party Plaintiff
UNITED STATES OF AMERICA

1 UNITED STATES OF AMERICA,

2 Third Party Plaintiff,

3 v.

4 M/V ADMIRAL PETE, her engines, apparel,
5 electronics, tackle, boats, appurtenances, etc.,
6 in rem, A.H. POWERS, in personam, FOSS
MARITIME COMPANY, in personam, and
KITSAP HARBOR TOURS LLC, in
personam,

7 Third Party Defendants.
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9 WHEREFORE, pursuant to the subpoenaed consents of counsel, subject to the terms of
10 settlement reached by and between the parties, and further consistent with the Consent
11 Judgment entered separately in favor of plaintiff Kitsap Transit against the United States, it
12 is hereby

13 ORDERED that any and all existing and/or potential actions, claims, counterclaims,
14 cross-claims, and third-party claims of the United States against plaintiff Kitsap Transit, M/V
15 CARLISLE II, in rem, third-party defendant Foss Maritime Company, third-party defendant
16 A.H. Powers, third-party defendant Kitsap Harbor Tours LLC, and third-party defendant
17 M/V ADMIRAL PETE, in rem, that pertain to or relate to the subject matter of the incident
18 sued upon herein shall be, and the same are, dismissed with prejudice; and it is further

19 ORDERED that any and all existing and/or potential actions, claims, counterclaims,
20 cross-claims, and third-party claims of M/V CARLISLE II, in rem, third-party defendant
21 Foss Maritime Company, third-party defendant A.H. Powers, third-party defendant Kitsap
22 Harbor Tours LLC, and third-party defendant M/V ADMIRAL PETE, in rem, against the
23 United States that pertain to or relate to the subject matter of the incident sued upon herein
24 shall be, and the same are, dismissed with prejudice; and it is further

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28 ORDER OF DISMISSAL
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1 ORDERED that any and all existing and/or potential actions, claims, counterclaims,
2 cross-claims, and third-party claims by and between plaintiff Kitsap Transit, M/V
3 CARLISLE II, *in rem*, third-party defendant Foss Maritime Company, third-party defendant
4 A.H. Powers, third-party defendant Kitsap Harbor Tours LLC, and third-party defendant
5 M/V ADMIRAL PETE, *in rem*, that pertain to or relate to the subject matter of the incident
6 sued upon herein shall be, and the same are, dismissed with prejudice; and it is further

7 ORDERED that each party shall bear its own costs and fees; and it is further

8 ORDERED that no party having admitted liability or fault with respect to such claims of
9 the other parties herein, which claims are expressly denied by the parties, the Court makes no
10 findings, express or implied, with respect to such disputed issues of liability and fault.

11 IT IS SO ORDERED.

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13 Dated: 8/13/10


UNITED STATES MAGISTRATE JUDGE

15 We hereby consent to the entry of the foregoing Order:

16 Dated: August 10, 2010

17 TONY WEST
Assistant Attorney General
18 JENNY A. DURKAN
United States Attorney
19 HAROLD MALKIN
Assistant United States Attorney

20 s/R. Michael Underhill

21 R. MICHAEL UNDERHILL
Attorney in Charge, West Coast Office
22 Torts Branch, Civil Division
23 U.S. Department of Justice

24 Attorneys for Defendant and Third-Party Plaintiff
United States of America

1 Dated: August 10, 2010.

LAW OFFICE OF DAVID P. HORTON, INC. PS

2 s/David P. Horton

3 DAVID P. HORTON

4 Attorney for Plaintiff
Kitsap Transit and M/V CARLISLE II, *in rem*

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28 Case No. 09-CV-05665-BHS

U.S. Dept. Of Justice
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(415) 436-6648

1 Dated: August 10, 2010.

Garvey Schubert Barer

2 s/David West

3 DAVID WEST

4 Attorneys for Third Party Defendant
5 Foss Maritime Company

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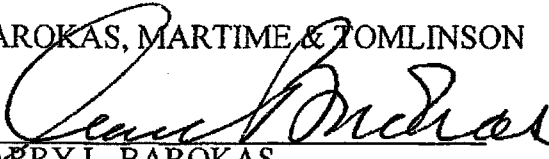
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28 ORDER OF DISMISSAL
Case No. 09-CV-05665-BHS

1 Dated: May 9~~8~~, 2010.

BAROKAS, MARTINE & TOMLINSON

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3 
LARRY L. BAROKAS

4 Attorneys for Third Party Defendant
5 A.H. Powers

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27 ORDER OF DISMISSAL

28 Case No. 09-CV-05665-BHS

1 Dated: August 10, 2010.

LeGros, Buchanan & Paul

2 s/Markus B.G. Oberg

3 MARC E. WARNER
4 MARKUS B.G. OBERG

5 Attorneys for Third Party Defendants
6 Kitsap Harbor Tours, LLC and
7 M/V ADMIRAL PETE, *in rem*

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